

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 4:23-00181-01-CR-W-
)
XAVIAR MICHAEL BABUDAR,) HFS
)
Defendant.)

**DEFENDANT'S MOTION FOR CONTINUANCE
OF THE SENTENCING HEARING AND EXTENSION
OF TIME TO FILE THE SENTENCING MEMORANDUM**

COMES NOW undersigned counsel, Matthew T. Merryman, on behalf of the Defendant Xaviar Michael Babudar (“Defendant”), and requests this Court to continue the Sentencing Hearing and Sentencing Memorandum due date to a later date.

SUGGESTIONS IN SUPPORT

1. On February 22, 2023, Xaviar Michael Babudar was charged with in a single count Indictment in Cause No. 23-CR-00075-JFH out of the Northern District of Oklahoma (Dkt. No. 1)
2. On August 16, 2023, Xaviar Michael Babudar was charged in a nineteen count Indictment in Cause No. 23-CR-00181-HFS out of the Western District of Missouri (Dkt. No. 19).
3. On February 28, 2024, Cause No. 23-CR-00075-JFH was transferred to the Western District of Missouri pursuant to Rule 20.

4. On February 28, 2024, Xaviar Michael Babudar entered a guilty plea to Count 1 and 12 in Cause No. 23-CR-00181-HFS and Count 1 Cause No. 23-CR-00075-JFH (Dkt. No. 34).

5. The Sentencing is scheduled for July 10, 2024 at 9:30 AM and the Sentencing Memorandum is due July 3, 2024.

6. Counsel is scheduled to be engaged in a First Degree Murder trial in *State v. Daniel Cranfill* 21CY-CR03837-01 beginning on June 24, 2024.

7. Counsel anticipates the aforementioned trial to last four to five days and anticipates being unavailable for other duties during that time.

8. As of today, the Presentence Investigation Report has yet to be filed.

9. Counsel anticipates needing additional time to prepare, review and finalize the Sentencing Memorandum and preparing for the Sentencing Hearing.

10. Counsel has advised Xaviar Michael Babudar of the need for additional time and he does not object to this request.

11. On June 21, 2024, Counsel conferred with AUSA Patrick Daly and the Government does not take a position on this continuance request.

12. Counsel requests this Court to extend the time for Xaviar Michael Babudar to file his Sentencing Memorandum to July 24, 2024.

13. Counsel further requests this Court continue the Sentencing Hearing to August 22, 2024.

14. This Motion for Continuance of the Sentencing Hearing and Extension of Time to File the Sentencing Memorandum is made in good faith and not to burden or unduly delay the Court or United States of America.

WHEREFORE, Counsel for Defendant respectfully requests that this Court continue Sentencing Hearing to August 22, 2024 and extend the time to file the Sentencing Memorandum to July 24, 2024.

Dated: June 21, 2024

THE MERRYMAN LAW FIRM LLC

/s/ Matthew T. Merryman

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CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2024, a copy of the foregoing Defendant's Motion for Continuance of the Sentencing Hearing and Extension of Time to File the Sentencing Memorandum, was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's Electronic Case Filing System.

/s/Matthew T. Merryman
Matthew T. Merryman